

**Remarks**

Claims 1-15 remain pending in this application with claim 1 being amended by this response. Claim 1 has been amended to clarify that the processing means outputs a compression encoded stream based on the video signal. Support for this amendment can be found throughout the specification, and specifically on page 6, lines 5-7; Fig. 1; and Fig. 4. Therefore, applicants respectfully submit that no new matter is added by amended claim 1.

**Rejection of Claims 1-4 and 6-10 under 35 U.S.C. 102(e)**

Claims 1-4 and 6-10 stand rejected under 35 U.S.C. 102(e) as being anticipated by Oya (U.S. Patent No. 6,421,098 B1).

The present invention as claimed in claim 1 provides a video apparatus. The apparatus includes a receiver for converting an RF signal into a video signal. A processing means receives the video signal and outputs a compression encoded stream based on the video signal. An indicator of a characteristic of the RF signal is provided. A control means adjusts the processing means based on the indicator.

Oya describes a method and apparatus for changing automatic gain control points of digital television signals. A digital television signal receiver apparatus individually sets optimal automatic gain control (AGC) points for a terrestrial digital television signal and a cable television (CATV) digital signal. AGC points are switched according to whether an input signal is a terrestrial digital television signal or a CATV digital signal. Each AGC point has a set reference voltage output. (Abstract)

Oya neither discloses nor suggests “processing means receiving the video signal and outputting a compression encoded stream based on the video signal” as recited in claim 1 of the present claimed invention. Oya is silent regarding the output of a **compression** encoded stream. Oya merely demodulates an input signal and outputs an image signal (col. 4, lines 9-13). In contrast, the present claimed invention provides an

output signal that is encoded and compressed. “The digital video stream YCrCb is encoded into a MPEG stream by an MPEG encoder” (page 6, lines 5-7). The MPEG stream is a compression encoded stream. The Office Action suggests on page 2 that the demodulation from an analog signal into an image signal is the equivalent to encoding a signal. Even if this was assumed to be true, the outputted image signal in Oya is not the equivalent of an outputted **compression** encoded stream. The output image signal in Oya is merely created by removing modulation from the input analog signal and is **not** compressed. Therefore, Oya neither discloses nor suggests “processing means receiving the video signal and outputting a compression encoded stream based on the video signal” as recited in claim 1 of the present claimed invention.

Additionally, the Office Action on page 2 asserts that the “IF AGC controls the processing means (the digital demodulator 16) because the IF AGC controls the tuner, which outputs the video signal to digital demodulator”. Applicant respectfully disagrees. First, as per the discussion above, the digital demodulator 16 is not equivalent to the processing means of the present claimed invention because the digital demodulator 16 does not output a compression encoded stream. In addition, the IF AGC amplifier 14 of Oya does not adjust the digital demodulator 16 in the same manner as the control means of the present claimed invention. A video signal is input into the IF AGC amplifier in Oya. The IF AGC amplifier then outputs a video signal which is passed through an analog to digital converter that outputs a digital signal to the digital demodulator. The IF AGC amplifier in Oya adjusts the tuner by merely outputting a **single** control signal to adjust the tuner. In contrast, the control means in the present claimed invention does **not** output a video signal to the processing means. Also, the control means of the present claimed invention outputs **two** separate control signals. One signal is to adjust the tuner and the other signal is to adjust the processing means (Page 4, lines 11-15; Page 5, lines 23-28; Fig. 1; Fig. 4)., unlike the IF AGC amplifier in Oya which only outputs a single control signal and receives and outputs a video signal is unlike the present claimed invention in which the control means outputs two control signals and does not receive or output a video signal. The IF AGC amplifier in Oya is not equivalent to the control means in the present invention. Therefore, Oya

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neither discloses nor suggests “control means for adjusting the processing means based on the indicator” as recited in claim 1 of the present invention.

In view of the above remarks and amendments to the claims, it is respectfully submitted that there is no 35 USC 112 enabling disclosure in Oya that not anticipates the present claimed invention. As claims 2-4 and 6-10 are dependent on claim 1, it is respectfully submitted that these claims are also patentable for the same reasons as claim 1 discussed above. It is thus further respectfully submitted that this rejection is satisfied and should be withdrawn.

**Rejection of Claims 5 and 11-15 under 35 U.S.C. 103(a)**

Claims 5 and 11-15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Oya (U.S. Patent No. 6,421,098 B1) in view of Krishnamurthy et al. (U.S. No. 5,508,748).

Oya and Krishnamurthy neither disclose nor suggest “processing means receiving the video signal and outputting a compression encoded stream based on the video signal” as recited in claim 1 of the present claimed invention. Oya and Krishnamurthy also neither disclose nor suggest “control means for adjusting the processing means based on the indicator as recited in claim 1 of the present invention.

Krishnamurthy describes data level selection for multilevel vestigial sideband digital data transmission systems. The system provides a simplified level selection system for transmission and reception of a digital information signal having a variable data constellation (column 2, line 20-26). The system determines the data bits represented by the received symbols of one or more data constellations. The received symbols are converted into multi-bit values. A number of the most significant bits of each of the multi-bit values are selected. The most significant bit is inverted to derive the data bits represented by the respective symbol (Abstract)

Dependent claim 5 is considered patentable for the same reasons presented above with respect to claim 1. Specifically, Krishnamurthy (with Oya) neither discloses nor suggests “processing means receiving the video signal and outputting a compression encoded stream based on the video signal” as recited in claim 1 of the present claimed invention. Krishnamurthy is silent regarding outputting a compression encoded signal. Therefore, Krishnamurthy (with Oya) neither discloses nor suggests neither discloses nor suggests “processing means receiving the video signal and outputting a compression encoded stream based on the video signal” as recited in claim 1 of the present claimed invention.

Krishnamurthy (with Oya) also neither discloses nor suggests “control means for adjusting the processing means based on the indicator as recited in claim 1 of the present invention. Krishnamurthy is silent regarding any control means for adjusting any processing means. Therefore Krishnamurthy cannot disclose or suggest “control means for adjusting the processing means based on the indicator as recited in claim 1 of the present invention.

Additionally, Applicant respectfully submits that there is no reason or motivation to combine the systems of Oya and Krishnamurthy. Oya describes a system for receiving digital television signals with automatic gain control points for the signals. Krishnamurthy describes a data level selection system for a multilevel vestigial sideband digital data transmission and reception system. While Oya is concerned with individually setting optimal AGC points for a terrestrial digital television signal (col. 2, line 65 to col. 3, line 2), Krishnamurthy is concerned with enhancing system capacity through a novel data level selection system for a multilevel VSB digital data transmission and reception system (col. 1, lines 29-36; col. 2, lines 20-25). These two patents have two completely different and unrelated objectives and concern unrelated devices. Additionally, neither Oya nor Krishnamurthy are concerned with the objectives of the present claimed invention, namely to “avoid encoding defects while keeping the video signal untouched as far as possible” (page 2, lines 6-12).

However, even if the systems of Oya and Krishnamurthy were combined, the combination would neither disclose nor suggest “processing means receiving the video signal and outputting a compression encoded stream based on the video signal” and “control means for adjusting the processing means based on the indicator” as recited in claim 1 of the present invention. The combined system would contain a digital television signal receiving apparatus in which optimal automatic gain control (AGC) points are individually set for different digital signals by switching the AGC points according to the type of input digital television signal along with a simplified level selection system for transmission and reception of a digital information signal having a variable data constellation. This system would output an image signal after demodulation of an input signal amplified through an IF AGC amplifier. The IF AGC amplifier controls only the tuner of the system through a single control signal. In contrast, the present claimed invention processes the input signal so that the output is a compression encoded stream, such as a MPEG stream (page 6, lines 5-7). The control means in the present claimed invention is a processor which outputs two control signals, one to a tuner and one to the processing means. The control means does not process any video inputs (Page 4, lines 11-15; Page 5, lines 23-28; Fig. 1; Fig. 4). Therefore, the combination of Oya and Krishnamurthy, similar to the individual systems, neither discloses nor suggests “processing means receiving the video signal and outputting a compression encoded stream based on the video signal” and “control means for adjusting the processing means based on the indicator” as recited in claim 1 of the present invention.

In view of the above remarks it is respectfully submitted that Oya and Krishnamurthy, when taken alone or in combination, provide no 35 USC 112 compliant enabling disclosure that makes the present invention as claimed in claim 5 unpatentable. As claims 11-15 are also dependent on claim 5, it is respectfully submitted that claims 11-15 are similarly patentable over Oya and Krishnamurthy, when taken alone or in combination. Therefore, Applicant further respectfully submits that this rejection has been satisfied and should be withdrawn.

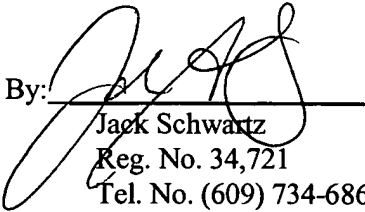
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Should the Examiner feel that anything further is necessary to place this application in condition for allowance he is respectfully requested to contact applicants attorney at the telephone number listed below.

No other fee is believed due. However, if a fee is due, please charge the additional fee to Deposit Account 07-0832.

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